

## **REMARKS**

Claims 3, 4, 10 and 11 are cancelled without prejudice or disclaimer.

Therefore, claims 1, 2, 5-9 and 12-14 are the claims currently pending in the Application.

### ***Rejection under 35 U.S.C. § 102(e)***

Claims 1-14 are rejected under 35 U.S.C. § 103(e) as being obvious from Allsop et al., U.S. Patent No. 5,970,472 in view of the Official Notice taken. This rejection is traversed.

According to an aspect of Applicant's claimed invention, credibility information, such as a dealing status of the dealer with a financial institution is retrieved from a separate authentication server, and transmitted to the purchaser's terminal prior to completing a transaction between the purchaser and the dealer. Accordingly, the problem of an unscrupulous dealer who obtains credit card information of the purchaser and fails to deliver the merchandise is addressed, among other problems.<sup>1</sup>

Independent claims 1, 5, 8 and 12 require that the credibility information on the dealer include a dealing status of the dealer with a financial institution.

The Examiner acknowledges that Allsop does not disclose or suggest that the standards used to authorize a dealer to address ethical business behavior (Office Action, page 3). Therefore, Allsop does not disclose or suggest that a dealer's credibility

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<sup>1</sup> Applicant does not represent that every embodiment of Applicant's claimed invention necessarily addresses the problems herein discussed or provides the solutions herein identified. This discussion merely illustrates aspects of Applicant's claimed invention.

information may include a dealing status of the dealer with a financial institution, as *inter alia* required by independent claims 1, 5, 8 and 12.

However, Examiner takes Official Notice of the “fact” that it is “old and well-known that standards set by manufactures include dealer financial status” (for example, a credit rating) with financial institutions in order to ascertain a dealer’s ability to conduct business on behalf of the manufacture and to meet the payment terms of the manufacture.

First, Applicant respectfully submits that there would have been no motivation for combining Allsop with the business practice to which the Official Notice pertains, since Allsop is concerned with checking a dealer’s status as an “authorized dealer” in a manufacturer’s database, not with credit ratings or credit history or the like. Therefore, it is respectfully submitted that Applicant’s claimed invention would not have been obvious to a person of ordinary skill in the art based on Allsop and the Official Notice taken without impermissible hindsight reconstruction based on Applicant’s own disclosure.

Further, even assuming *arguendo* that Allsop and the Official Notice taken were combinable, Applicant respectfully submits that inquiring about a dealer’s dealing status with a financial institution is not a well-known or a widely-used commercial dealing practice. For example, it is not a well-known or widely-used practice that a purchaser uses a purchaser terminal to obtain a dealer’s dealing status with a financial institution prior to or as part of making a purchase from the dealer’s website.

Claim 2 depends from independent claim 1, claims 6 and 7 depend from

independent claim 5, claim 9 depends from independent claim 8, and claims 13 and 14 depend from independent claim 12. Therefore, claims 2, 6, 7, 9, 13 and 14 incorporate novel and nonobvious features of their respective base claims and accordingly, are patentably distinguishable over the prior art for at least the reasons that independent claims 1, 5, 8, and 12 are patentably distinguishable over the prior art.

For at least the reasons set forth in the foregoing discussions, Applicant believes that the Application is allowable and respectfully requests that the Examiner now reconsider the rejections and allow the Application. Should the Examiner have any questions regarding this Amendment or the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted



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